

UNITED STATES OF AMERICA
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA) CR No.: 04-10098-WGY
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)
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v.)
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)
CARMEN FIGUEROA,)
Defendant)

**AFFIDAVIT OF DEFENDANT, CARMEN FIGUEROA IN SUPPORT OF
DEFENDANT'S MOTION TO SUPPRESS - PRISON CALLS**

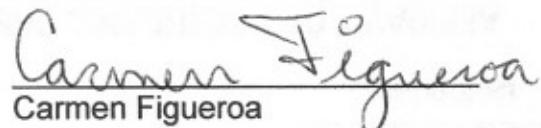
I, Carmen Figueroa, do hereby on oath depose and say as follows:

1. I am a defendant in the above-captioned indictment.
2. I am Manuel Mendes' girlfriend / significant other. We have children together and before his incarceration we periodically lived together.
3. When Manual Mendes was incarcerated at the Plymouth County House of Corrections in 2002 I began receiving collect telephone calls from him.
4. Each call contained all or a portion of a taped message that this telephone calls is subject to monitoring and recording. This disclaimer led me to believe that some calls could be listened under some circumstances by prison officials and that some telephone calls could be recorded by prison officials under some circumstances.
5. I did not realize that all calls were recorded.
6. Manuel Mendes told me during a visit that the word at the prison was that calls were not regularly monitored and that recorded calls were seldom

listened to by prison officials.

7. I certainly did not expect or believe that non prison law enforcement officials investigating a crime could, without a showing of cause, without a search warrant or Court order, freely gain access to the contents of telephone calls between myself and my husband.
8. I was compelled to accept the collect telephone calls in order to communicate regularly with the father of my children in number per week and to thirty (30) minutes in duration. Visits to the jail are limited and are non contact.
9. I did not consent to the conditions placed upon the telephone calls by the prison either expressly or impliedly. I certainly did not waive my Fourth Amendment Right or my rights under Code Title United States 18 § 2510 et. seq.

Signed Under The Pains And Penalties Of Perjury This 23 Day Of March, 2005.


Carmen Figueroa